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21 Attorneys for Defendants CITY OF FREMONT,
22 TIMOTHY FERRARA and MARRKEL SMITH

23 UNITED STATES DISTRICT COURT
24 FOR THE NORTHERN DISTRICT OF CALIFORNIA

25 CATHERINE BEAULIEU, individually and as
26 successor-in-interest to Decedent TROY
27 FRANCIS,

28 Plaintiff,

v.

CITY OF FREMONT, a municipal corporation;
TIMOTHY FERRARA, individually and in his
capacity as an officer for the Fremont Police
Department; MARRKEL SMITH, individually
and in his capacity as an officer for the Fremont
Police Department; and DOES 1-50, inclusive,

Defendants.

Case No. 4:16-cv-04494-CW

**STIPULATION FOR VOLUNTARY DISMISSAL
WITH PREJUDICE
(Fed. R. Civ. P. 41(a)(1)(A)(ii))**

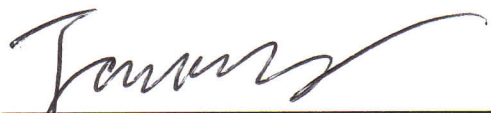
1 Plaintiff CATHERINE BEAULIEU, individually and as successor-in-interest to Decedent TROY
2 FRANCIS, and Defendants CITY OF FREEMENT, TIMOTHY FERRARA, and MARRKEL SMITH, et
3 al., have resolved this case in its entirety. Therefore, the parties stipulate to a dismissal of this action
4 with prejudice under Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

5 Each party shall bear its own litigation costs and attorney's fees.

6 It is so stipulated.

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9 Dated: August 21, 2017

By:



Ben Nisenbaum

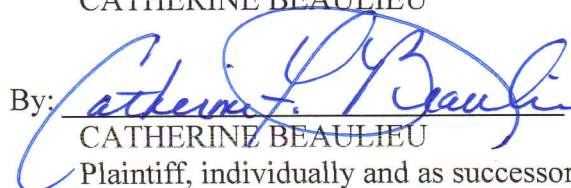
James Cook

Attorneys for Plaintiff

CATHERINE BEAULIEU

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13 Dated: August 21, 2017

By:



CATHERINE BEAULIEU

Plaintiff, individually and as successor-in-interest
to Decedent TROY FRANCIS

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17 Dated: _____

By:

Gregory M. Fox

Joanne Tran

Attorneys for Defendants CITY OF FREMONT,
TIMOTHY FERRARA and MARRKEL SMITH

PROOF OF SERVICE

I, _____, declare that I am employed in the County of San Francisco, California; I am over the age of eighteen years and not a party to the within cause; and my business address is 2749 Hyde Street, San Francisco, California 94109.

I am readily familiar with the practice of Bertrand, Fox, Elliot, Osman & Wenzel with respect to the collection and processing of pleadings, discovery documents, motions and all other documents which must be served upon opposing parties or other counsel in litigation. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

On _____, I served the following document(s):

- **STIPULATION FOR VOLUNTARY DISMISSAL WITH PREJUDICE (Fed. R. Civ. P. 41(a)(1)(A)(ii))**

on the following interested parties:

JOHN L. BURRIS, ESQ., SBN 69888
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Said service was performed in the following manner:

- () BY U.S. POSTAL SERVICE (Mail): I placed each such document in a sealed envelope addressed at noted above, with first-class mail postage thereon fully prepaid, for collection and mailing at San Francisco, California, following the above-stated business practice, on this date.
- () BY EXPRESS MAIL SERVICE (UPS or Federal Express): I placed each such document in a sealed envelope addressed as noted above, for collection and mailing by express mail service at San Francisco, California, following the above state business practice, on this date.
- () BY U.S. POSTAL SERVICE CERTIFIED (Mail): I placed each document in a sealed envelope addressed as noted above, with first-class mail postage and certified mail fees, plus the appropriate U.S. Certified Mail Card thereon fully prepaid, for collection and mailing at Oakland, California, following the above-stated business practice, on this date.

1 () BY PERSONAL SERVICE: I caused to be hand-delivered each such envelope to the address[es]
2 listed above on this date.

3 () BY FACSIMILE: I transmitted said documents[s] by a facsimile machine to the parties at the
4 number[s] indicated above on this date. The transmission was reported as complete and without
5 error per the attached transmission report issued by the sending fax machine.

6 I declare under penalty of perjury under the laws of the State of California that the foregoing is
7 true and correct. Executed _____, at San Francisco, California.

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Signature of Declarant
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